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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,450	02/05/2004	Hirokazu Atsumori	NITT.0184	3836

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EXAMINER

CARLOS, ALVIN LEABRES

ART UNIT	PAPER NUMBER
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3715

MAIL DATE	DELIVERY MODE
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03/04/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/771,450	Applicant(s) ATSUMORI ET AL.	
	Examiner ALVIN L. CARLOS	Art Unit 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Final Office action in response to communications received May 22, 2009. Claim 17 is amended. Claim 17-21 are now pending.

Response to Amendment

2. Applicant's amendment to claim 17 is sufficient to overcome the 112 rejection set forth from the previous office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by DeCharms 20020103429.

Re claim 17, DeCharms discloses a training assistant system comprising a training task presentation unit which has a screen 180 for presenting a training task or a training content regarding a plurality of trainings to a trainee (see figure 1, paragraphs 00327-0329), a trainee's response collection unit which collects a response of the trainee (paragraphs 0081 and 0181), and a response time to the training task or the training content (paragraphs 095 and 0247), an information processor which calculates an accuracy of response of the trainee to the training task or the training content

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(paragraphs 0016-0017), and a brain measurement unit which emits light to a predetermined portion of the trainee's head, receives reflecting light from the inside of the trainee's head, and detects a change of an intensity of the reflecting light which depends on a change of a blood flow of the predetermined portion of the trainee's head (see figure 1, paragraphs 0015, 0185 and 0262-0268), information processor obtains peak values of brain activities between a predetermined time period before or after response times corresponding to the plurality of trainings (see figures 9-10, paragraphs 0384 and 0505), calculates variations as a training effect by comparing the peak values of the brain activities with a peak value of one of the brain activities corresponding to a last one of the trainings (paragraphs 0016-0017 and 0262), and displays the response times, the accuracies of responses and the variations on the screen (see figures 9-10, paragraphs 0545-0550).

Re claim 18, DeCharms discloses information processor has threshold values of the training tasks and the training contents presented to evaluate the response times and the accuracies of responses to the training tasks or the training contents, wherein said information processor decides a training effect based on one of the threshold values and displays the training effect on the screen (see figures 9-10, paragraphs 0396-0402).

Re claim 19, DeCharms discloses information processor changes a difficulty level of the training task based on the training effect (paragraphs 0416-0418).

Re claim 20, DeCharms discloses a memory which stores a response result to the training task or the training content, said response includes the response times, the

accuracies of responses and the variations (paragraphs 0104 and 0284), wherein said information processor displays the response result in time series on the screen (see figure 10, paragraph 0550).

Re claim 21, DeCharms discloses information processor decides a training effect based on changes of the variations as time passes (see figure 10, paragraph 0396-0398).

Response to Arguments

5. Applicant's arguments filed October 26, 2009 have been fully considered but they are not persuasive.

6. In response to the applicant's argument that DeCharms does not disclose "calculates variations as a training effect by comparing the peak values of the brain activities with a peak value of one of the brain activities corresponding to a last one of the trainings", the Examiner disagrees. DeCharms discloses brain volume registration were the position of the head and the related measurements (e.g. evaluating a set of stimuli that a subject is separately exposed to regarding how well each of the different stimuli cause the subject to have a perception that activates the one or more regions of interest; and selecting a subset of the stimuli from the set found to be effective in causing activation of the one or more regions of interest. In one variation, evaluating the set of stimuli comprises calculating and comparing activation metrics computed for each stimuli based on measured activities for the different stimuli; activation metrics for activity measured for one or more regions of interest during for a plurality of different behaviors; and comparing the calculated activation metrics for the plurality of behaviors

and selecting behaviors from the plurality based on the comparison of activation metrics) to be comparable from session to session, images and volumes are registered, allowing precise correspondence of voxels across days. This volume registration can have a manual component and an automated component (paragraph 0262).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN L. CARLOS whose telephone number is (571)270-3077. The examiner can normally be reached on 7:30am-5:00pm EST Mon-Fri (alternate Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cameron Saadat/
Primary Examiner, Art Unit 3715

/Alvin L Carlos/
Examiner, Art Unit 3715
February 27, 2010